

March 22, 2021
11:44 am

Clerk, US District Court
By: _____ kg _____

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

Javier PELAGIO

aka

Javier PELAGIO Morales

Case No.

1:21MJ108

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/19/2021 in the county of Lee in the
Middle District of North Carolina, the defendant(s) violated:

Code Section

21 U.S.C. § 841(a) (1)

Offense Description

Did knowingly and intentionally possess with the intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.

On this day, the applicant appeared before me via reliable electronic means, that is by telephone, was placed under oath, and attested to the contents of this Criminal Complaint and attached affidavit in accordance with the requirements of Fed. R. Crim. P. 4.1.

/S/ Stephen Razik

Complainant's signature

Stephen Razik, DEA Special Agent

Printed name and title

Date: 03/22/2021

City and state: Winton-Salem, North Carolina

Joi E. Peake
Judge's signature

Joi E. Peake, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR ARREST WARRANT

I, Stephen Razik, Special Agent, Drug Enforcement Administration (DEA), Greensboro, North Carolina, being duly sworn, depose and state as follows:

1. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of and make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1).

2. I am a Special Agent of the Drug Enforcement Administration (DEA). I have been employed by the DEA since June 1997 and am currently assigned to the DEA Greensboro Resident Office (GRO). I have attended numerous training programs relating to drug trafficking, and I am experienced in investigating drug traffickers. I am familiar with the use of various forms of electronic surveillance as investigative tools. I have participated in investigations involving cocaine hydrochloride (HCl), cocaine base (crack), marijuana, methamphetamine, heroin, and various other controlled substances. For approximately five (5) years, prior to working for DEA, I was a Florida State Trooper stationed in Miami, Florida. As a DEA Special Agent, I have participated in investigations involving, but not limited to, physical surveillance, undercover transactions, court ordered pen registers, the use of wire and electronic communication interceptions, and both state and federal search warrants. I have received training, both formal and informal, in the investigation of drug trafficking and money laundering, including, but not limited to, DEA basic and advanced drug investigations courses; street level drug enforcement; narcotics interdiction; wiretap investigations; and the DEA Basic Agent Training Academy located at Quantico, Virginia. I have also testified as an expert witness in federal court relating to drug trafficking offenses.

3. This affidavit is being submitted solely for the purposes of obtaining an arrest warrant for Javier PELAGIO, also known as Javier PELAGIO Morales, therefore this affidavit does not contain every fact pertaining to this investigation. Some information in this affidavit is based on personal involvement in this investigation as well as information provided by other federal, state and local law enforcement officers.

4. On March 19, 2021, Sanford Police Department (SPD) Officer Nathan Davis stopped a 2017 Toyota Tacoma pickup truck for an expired registration and no insurance. The plate number on the vehicle was NC/ PMP-1793 and was registered to Lino PELAGIO. The driver of the vehicle stated he did not have a driver's license, registration or insurance for the vehicle. The driver identified himself as Javier PELAGIO and stated the vehicle belonged to his brother, Lino PELAGIO. Officer Davis attempted to verify the driver's information while standing outside the vehicle with Javier PELAGIO and SPD Officer B. Wise. SPD Officer Davis obtained information verbally from Javier PELAGIO and returned to his patrol vehicle in an attempt to verify the information through law enforcement databases. SPD Officer Davis also asked Javier PELAGIO to have a seat in the front passenger's side of SPD Officer Davis' patrol vehicle. SPD Officer Wise noticed Javier PELAGIO seemed extremely nervous. Officer Wise then asked for consent to search the vehicle that Javier PELAGIO was operating. Javier PELAGIO stated they could search the vehicle. Officer Wise and SPD Officer B. Brown then conducted a search of the vehicle which resulted in the seizure of approximately 3,800 grams (gross weight) of crystal methamphetamine located on the front passenger floorboard. The substance was field tested by SPD Agent D'Angelo and tested positive for the presence of methamphetamine.

5. Javier PELAGIO was transported to the Sanford Police Department where he was interviewed by SPD Agent Tom D'Angelo and DEA S/A Stephen Razik. Prior to being asked any

questions, Javier PELAGIO was advised of his *Miranda* Rights by SPD Agent D'Angelo, as witnessed by S/A Razik. Javier PELAGIO was then provided a written rights waiver form that he read and signed, also witnessed by SPD Agent D'Angelo and S/A Razik. Javier PELAGIO stated that he had approximately four (4) kilograms of ICE (crystal methamphetamine) in the vehicle at the time he was stopped. Javier PELAGIO added that earlier in the day, he had picked up the ICE from an associate of his known as Hugo LNU. Javier PELAGIO stated that he was planning on selling the ICE to a customer of his in the Walmart parking lot in Sanford, NC. Javier PELAGIO said he was selling the ICE for \$10,000 per kilogram and had to pay Hugo LNU \$8,000 per kilogram.

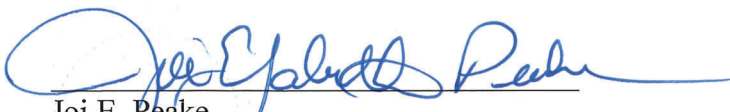
CONCLUSION

6. Based on the above information, there is probable cause to believe that Javier PELAGIO possessed with the intent to distribute 500 grams or more of a substance that contains a detectable amount of methamphetamine, in violation of 21 USC § 841.

/S/ Stephen I. Razik

Stephen Razik
Special Agent
Drug Enforcement Administration

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 22 day of March, 2021, at 11:34 a.m./p.m.


Joi E. Peake
United States Magistrate Judge
Middle District of North Carolina